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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,729	11/04/2003	Ravisankar V. Pudipeddi	MS306584.1 / MSFTP530US	4944

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EXAMINER	
TO, BAOQUOC N	
ART UNIT	**PAPER NUMBER**
2162	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,729	PUDIPEDDI ET AL.	
	Examiner	Art Unit	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2005 has been entered.

Claims 1 and 2-34 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 10/18/2005 have been fully considered but they are not persuasive.

Applicant's representative respectfully disagrees with the examiner position of equating the integer recited in the claim is the floating number in the reference.

The examiner respectfully disagrees with the above argument. First of all, the "integer altitude value" not discloses in the specification, for example on page 7, lines 9-11, "the altitude of a minifilter can be ***a unique numerical value***", not a integer value. Since integer is not disclosed as a part of a unique numerical value; therefore, the broadest interpretation of the integer value is any numerical value including floating number.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

MPEP 2106 IV. B.2. (b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

3. Regarding claims 1 and 3-34 in view of the above cited MPEP section, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts.

Claim 1 recited a computer system which does not include any hardware components (e.g. processor and memory) and produce any tangible results.

The depended claims 3-12 and 33 are rejected under the same reason as to claim 1.

Claim 13 recited a computer-implemented method, however, the computing step does not produce any tangible result and/or being limited to a practical application within the technological arts.

The depended claims 14-29 are rejected under the same reason as to claim 13.

As to claim 30, the system including the means to perform the method; however, the system does not produce the concrete and repeatable results.

The depended claims 30-31 are rejected under the same reason as to claim 30.

Claim Objections

4. Claims 1, 13 and 29 are objected to because of the following informalities: The claims recited "integer altitude value" is not what the applicant specification disclosure. Rather, the applicant disclosure discloses "a minifilter is a filter that has an "altitude" associated with it, which defines its position in a stack with regard to the position of one or more legacy filters. The ***altitude of a minifilter can be a unique numerical value***" (on page 7, lines 9-11), which does not include integer. Therefore, the broadest interpretation of "altitude integer value" in light of the specification "unique numerical value" is float. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Golds (Pub. No. US 2001/0020245 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding on claims 1 and 34, Golds teaches a computer system that facilitates management of a file system filter, comprising:

At least one minifilter (filter A) that has an altitude that is an integer value numeric values (.25 and .30) (page 4, paragraph 0035) associated therewith (filter A has an altitude) (page 4, paragraph 0033); and

A filter manager (the filter manage 380) (page 5, lines 1-2, paragraph 0041) that maps altitudes of the at least one minifilter to legacy filter order group (legacy filter drivers are those that do not have a number assigned therefore) (page 5, paragraph 0038).

Regarding on claim 3, Golds teaches the system recited in claim 1, the altitudes are unique values (.25 and .30 are unique value) (page 4, paragraph 0035).

Regarding on claim 4, Golds teaches the system recited in claim 3, the altitudes define the full order of the minifilters with respect to each other (relative order between filters) (page 3, paragraph 0032).

Regarding on claim 5, Golds teaches the system recited in claim 1, multiple instances of the filter manager attach to a file system stack (page 5, lines 0043).

Regarding on claim 6, Golds teaches the system recited in claim 5, each instance of the filter manager attach to a file system stack (page 3, paragraph 0029).

Regarding on claim 7, Golds teaches the system recited in claim 1, the at least one minifilter is code to permit dynamic loading and/or unloading to a filter stack (page 3, paragraph 0030).

Regarding on claim 8, Golds teaches the system recited in claim 7, the altitude of the at least one minifilter ensures that the at least one minifilter, if unloaded, will reload to its previous position in the filter stack (page 5, paragraph 0040).

Regarding on claim 9, Golds teaches the system recited in claim 1, further comprising at least one frame dynamically associated with a single minifilter (page 5, paragraph 0042).

Regarding on claim 10, Golds teaches the system recited in claim 1, further comprising at least one frame dynamically associated with at least one minifilter (page 5, paragraph 0042).

Regarding on claim 11, Golds teaches the system recited in claim 10, further comprising a numerical interval associated with each frame (page 4, lines 0035).

Regarding on claim 12, Golds teaches the system recited in claim 11, the altitude of at least one minifilter has a value within the numerical interval associated with each frame.

Regarding on claims 13 and 35, Golds teaches a computer implemented method for managing a file system filter, comprising:

Loading at least one minifilter to a file system (filter manger request for install the filter driver) (page 5, paragraph 0042); and

Determining an integer altitude value (numeric values .25 and .30) (page 4, paragraph 0035) associated with the at least one minifilter (the manager determines the altitude of the filter driver) (page 5, paragraph 0042).

Regarding on claim 14, Golds teaches a method of claimed 13, further comprising scanning at least one filter manager frame in the file system to find an altitude interval [L, H] associated with the at least one filter manager frame, wherein L is the lower boundary value of the interval and H is the upper boundary value of the interval (page 5, paragraph 0040).

Regarding on claim 15, Golds teaches the method recited in claim 14, further comprising scanning filter manager frames to determine a frame altitude interval that

encompasses the altitude value of the at least one minifilter, such that L<X,H, wherein X is the altitude of the at least one minifilter (page 5, paragraph 0040).

Regarding on claim 16, Golds teaches the method recite in claim 15, further comprising inserting at least one minifilter into the filter manager frame with a corresponding altitude interval upon discovery thereof (page 5, paragraph 0042).

Regarding on claim 17, Golds teaches the method recited in claim 16, further comprising updating minifilter object associated with the at least one minifilter to point to the frame into which the minifilter has been inserted (page 5, paragraph 0042).

Regarding on claim 18, Golds teaches the method recited in claim 15, further comprising scanning filter manager frames for altitude interval, [L1, H1], [L2, H2], adjacent to the altitude value X of the at least one minifilter if no single interval [L, H} encompassing the altitude value X of the at least one minifilter is found, such that the value of the altitude, X, of the at least one minifilter is greater than the upper boundary value of the lower interval H1 and less than the lower boundary value of the higher interval L2 (page 5, paragraph 0042).

Regarding on claim 19, Golds teaches the method recited in claim 18, further comprising:

Inserting the at least one minifilter into the frame having the higher interval (page 5, paragraph 0042);

Adjusting the interval of the frame to [X, H2] (page 5, paragraph 0042); and

Initializing the filter object associated with the at least one minifilter to point to the frame into which the at least one minifilter has been inserted (page 5, paragraph 0042).

Regarding on claim 20, Golds teaches the method recited in claim 18, further comprising creating a new frame and stacking the new frame at the top of the file system stack, if no intervals adjacent to the altitude value of the at least one minifilter are found (page 5, paragraph 0042).

Regarding on claim 21, Golds teaches the method recited in claim 20 further comprising pre-allocating the new frame for management of the at least one minifilter (page 5, paragraph 0042).

Regarding on claim 22, Golds teaches the method recited in claim 21, further comprising calling the filter manager's file system notification routine to submit a request to register for file system notifications (page 5, paragraph 0042).

Regarding on claim 23, Golds teaches the method recited in claim 22, further comprising:

Inserting the minifilter into the new frame (page 5, paragraph 0042);

Initializing the frame interval upper and lower boundary values to the altitude value of the at least one minifilter such that the interval is [H, X] (page 5, paragraph 0042); and

Updating a filter object associated with the at least one minifilter to point to the new frame; wherein the request to register was successful (page 5, paragraph 0042).

Regarding on claim 24, Golds the method recited in claim 22, further comprising:

Removing the new frame from the filter stack (page 5, paragraph 0042)

Extracting the altitude interval from the next lower, now top-most, frame in the stack (page 5, paragraph 0042).

Collapsing the at least one minifilter into the top-most frame(page 5, paragraph 0042); and

Adjusting the frame interval so that the upper boundary value is set equal to the value of the altitude of the at least one minifilter, such that the adjusted interval is [L, X]; wherein the request for registration failed (page 5, paragraph 0042).

Regarding on claim 25, Golds teaches the method recited in claim 22, further comprising determining the identity of a frame calling into the file system notification routine (page 5, paragraph 0042).

Regarding on claim 26, Golds teaches the method recited in claim 25, wherein the identity of the frame is determined by counting the number of all filter manager device objects, N, already in the stack, from top to bottom, using existing application program interface, and wherein each device object represents a frame (page 5, paragraph 0042).

Regarding on claim 27, Golds teaches the method recited in claim 26, further comprising initializing a counter to N and decrementing the counter for every node encountered from the bottom to the top of the stack (page 5, paragraph 0042).

Regarding on clam 28, Golds teaches the method recited in claim 27, wherein a zero value in the counter represents the position of the frame that corresponds to the attachment of the filter manager (page 5, paragraph 0040).

Regarding on claim 29, Golds teaches a computer system that facilitates management of a file system filter, comprising:

Means for mapping integer value altitudes (numeric values .25 and .30) (page 4, paragraph 0035) of minifilters to legacy filter order groups (the assigned altitude within a class will be arbitrary, e.g., there will be combination where A could work above B just well as B could will work above A) (page 4, paragraph 0033); and

Means for determining an altitude interval associated with at least one frame (filter manager determines the altitude of the filter driver) (page. 5, paragraph 42).

Regarding on claim 30, Golds teaches the system recited in claim 29, further comprising means for inserting at least one minifilter into a frame (insert the filter driver) (page 5, paragraph 0042).

Regarding on claim 31, Golds teaches the system recited in claim 30, further comprising means for altering a frame interval to embrace a given minifilter altitude (page 5, paragraph 0042).

Regarding on claim 32, Golds teaches system recited in claim 31, further comprising means for creating a frame for management of at least one minifilter (page 5, paragraph 0042).

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

BQ To

January 20th, 2006

JEAN M. CORRELUS
PRIMARY EXAMINER